

REMARKS

The foregoing amendment and remarks that follow are responsive to the Final Office Action mailed May 4, 2007. In that Office Action, the Examiner rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,117,162, filed by Seal et al. (referred to herein as the “Seal reference”).

I. AMENDMENTS TO THE CLAIMS

Independent Claims 1, 11, and 18 were amended to more particularly describe novel aspects of Applicant’s invention. In particular, step (a) was amended to illustrate that the first level is a decision-making body that is independent of the Originator (i.e., the first level does not include the Originator). In addition, step (a) was amended to indicate that the work request created by the Originator was unsolicited from the first level. In this regard, the Originator creates the work request independent of the first level. In addition, Claims 1, 11, and 18 were amended to recite that the third level Group Lead reviews the actual work performed by the Facilitator. Furthermore, step (j) was amended to illustrate that the unavailable personnel are available at the time of scheduling.

II. REJECTION UNDER 35 U.S.C. § 103(a)

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over SEAL. As will be described in more detail below, Applicant respectfully submits that it would not have been obvious to one having skill in the art to combine the teachings of SEAL with old and well-known methods to obtain Applicant’s invention.

a. The Seal reference does not disclose a method including the step of an Originator creating an unsolicited work request and transmitting it to a first level for approval.

Amended independent Claims 1, 11, and 18 include the step of an Originator creating an unsolicited work request and transmitting the work request to a first level for approval. The claims specify that the first level is a decision-making body that is independent of the Originator. In other words, the work request is unsolicited and created by one entity (i.e. the Originator) and approved by a separate entity (i.e., the first level).

As understood, the Seal reference relates to a process of soliciting and awarding bids from contractors. In general, a company consolidates a work request into a bid package which is sent to contractors for bidding. The contractors receive the bid package and propose a bid for

completing the work request. The company receives and reviews the bid and awards the contract to the most attractive bidder.

Applicant submits that amended Independent Claims 1, 11, and 18 are distinguishable from the Seal reference because the Seal reference does not disclose a work request created by one entity and approval of the work request by a separate entity. The claims recite that the Originator creates the work request, and the first level reviews the work request for approval. The claims further state that the first level is a decision-making body that is independent of the Originator. This is different from the Seal reference in which the same entity prepares the work order and reviews the work order. In particular, Seal discloses a method in which a company creates the work request and submits the work request to contractors for bidding. As the bids are returned the company reviews the bids in order to award the contract to the most attractive bidder. As such, the creation of the work request and the approval of the work request are performed by the same entity, namely the company.

Furthermore, Applicant made a similar argument in the Response to Office Action mailed on February 7, 2007. “In SEAL, bids are solicited, reviewed, and ultimately denied or accepted. In Applicant’s invention, work requests are submitted for approval. In this regard, the decision making body in SEAL begins the process, whereas an Originator begins the method in Applicant’s invention and the decision making body is involved subsequent to the submission of the Originator’s request.” (2/7/07 Response to Office Action, page 8) It appears that the Examiner did not disagree with Applicant’s argument, but maintained the rejection on the grounds that such a feature was not present in the claims. (see Office Action, page 3). Consequently, Applicant has amended the claim language to illustrate that the entity creating the work request and the entity approving the work request are two different entities.

b. The Seal reference does not disclose a third level Group Lead that reviews actual work performed by a Facilitator.

As claimed in amended Independent Claims 1, 11, and 18, Applicant’s invention includes a Facilitator for executing the work request. A third level Group Lead reviews the actual work performed by the Facilitator.

Applicant submits that the Seal reference does not disclose a third level Group Lead which reviews the actual work performed by the Facilitator. Seal discloses a review of bids or contract details. The review of the bid or contract details is not a review of actual work

performed by the contractor. The review is merely a review of the bid such that the most attractive bid can be awarded the contract. Consequently, Applicant asserts that the Seal reference does not disclose a review of actual work, nor would it have been obvious to one having skill in the art to read the Seal reference and create a method which includes a review of actual work.

Applicant made a similar argument in the February 7 Response to Office Action, and the Examiner did not reject that argument. Rather, the Examiner merely stated that “the recited claims are broad such that ‘actual’ work is not a claimed feature.” (Office Action, page 4) Consequently, Applicant has amended the claims such that they recite actual work.

c. The Seal reference does not disclose providing alternate personnel for unavailable personnel, wherein the unavailable personnel were available at the time of scheduling.

Amended Independent Claims 1, 11, and 18 require that an Administrator provides alternate personnel for any available personnel at any one of the first, second, third, fourth, and fifth levels. The claims were amended to specify that the unavailable personnel were available when originally scheduled.

In the February 7 Response to Office Action, Applicant asserted that the Seal reference did not disclose providing alternate personnel if the scheduled personnel become unavailable. The Examiner responded in the most recent Office Action by stating that “[t]he limitation recited in the claims only calls for ‘providing alternate personnel for any unavailable personnel’ and does not require that the now unavailable personnel be available at the time of scheduling.” (Office Action, page 4) Therefore, Applicant has amended the claims to require that the unavailable personnel are available at a time of scheduling, which distinguishes Applicant’s invention from that disclosed in the Seal reference.

III. REQUEST FOR ALLOWANCE

Applicant respectfully asserts that a *prima facie* case of obviousness has not been established. In particular, Applicant submits that a person having ordinary skill in the art would not read the Seal reference and design the invention as claimed in Independent Claims 1, 11, and 18. Therefore, Applicant asserts that Claims 1, 11, 18, and any claim depending therefrom are in condition for allowance.

Case No.: **NORME-458A**

Should the Examiner have any suggestions for expediting allowance of the application, please contact Applicants' representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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